

**United States Bankruptcy Court
Eastern District of Wisconsin
Local Bankruptcy Rules Committee
Federal Court House, Room 482
October 25, 2005 at 3:00pm**

In attendance: Judge Dee McGarity, Jeffery Nordholm (Chair), Christopher Austin, Mary Grossman, Larry Liebzeit (phone), Brett Pfeifer, Amy Ginsberg, Chris Wolk (phone), and Ralph Anzivino, (Reporter).

There were 10 items on the agenda for today's meeting.

Item #1. A quorum was present to conduct business.

Item #2. New filings under BAPCPA. Chris Austin reported that in the first week after the effective date of BAPCPA, there were a total of 25 new bankruptcy cases in the Eastern District with 19 being Chapter 7 and 6 being Chapter 13.

Item #3. Procedure for collecting new rules/revised rules. Chris Austin's office will keep the new rules. It was agreed that the new rules would have a "comment" section, and that the drafter of each rule would provide a comment to accompany the rule upon publication.

Item #4. LR 1007.4. Two issues were addressed under this local rule. First, is a deadline necessary for providing information to the Trustee on domestic support payments? There is no statutory deadline, thus the committee consensus was to not establish one through a local rule. Second, must the Trustee send the required DSO notices by a specified time? There is no statutory time frame, thus the consensus was to not establish one through a local rule. The vote was 6 in favor and 1 abstention.

Item #5. The discharge affidavits for Chapters 7, 11, 12 and 13. After discussion, it was agreed that a discharge affidavit would be necessary for an individual to receive a discharge. There are, however, issues regarding each affidavit's content and the timing of its filing. In addition, there is a DSO declaration that must be made and 522 (q) issues in all the Chapters, and a financial management course to complete before discharge in Chapter 7 and 13. Interim Form 23 is a certification signed by the debtor certifying the debtor's completion of the financial management course. It appears to apply to both Chapter 7 and 13.

Mary Grossman agreed to examine the timing issues for the affidavits and declarations in Chapter 13.

Larry Leibzeit drafted a discharge affidavit for the committee's consideration. After discussion, consensus was reached on the approved format. Larry agreed to redraft the affidavit accordingly, and resubmit it in final form.

It was agreed that the form to use on the DSO requirement would be a Declaration. It was agreed that a local rule was necessary to specify the need for the Declaration, and a form would be drafted to satisfy the local rule. Mary Grossman and Tom King agreed to prepare these for Chapter 13 cases and present them at the committee's next meeting. The Declaration will be made available in the Appendix.

Larry Leibzeit agreed to draft a similar local rule and Declaration for Chapter 7 cases. The Declaration would also be in the Appendix.

For Chapter 12, it was noted that there is a DSO requirement and 522 (q) issues. Tom King was nominated to draft a rule and form for compliance with Section 1228.

It was also noted that 1141(d) (5) contains a 522 (q) requirement, and this issue would be discussed at the next meeting.

Item #6. LR 3001.1 Interest on Secured Claims. Discussion ensued on the draft prepared by Mary Grossman. After a clarification suggestion, Mary agreed to redraft the rule as approved in principle and present it at the next meeting.

#7. Model Chapter 13 Plan. It was noted that the current rules and Appendix contain a model Chapter 13 plan, and that it should be revised in light of BAPCPA. This is a future project.

#8. Local rules regarding privacy/confidential information. It was agreed that there is no longer a need for a local rule to address these issues in light of the guidelines provided by the Executive Office of the U.S. Trustees and the Administrative Office of the U.S. Courts.

#9. New Business. The Chair inquired regarding other areas the committee should study. He noted, for example, in the current local rules, the references to summary information sheets needs to be removed; there are some errata; some additions are needed in motion practice; and there is currently a conflict in the rules on the use of affidavits of no objection in a particular circumstance.

#10. Motion to adjourn by Chris Wolk and seconded by Brett Pfeifer.

The meeting adjourned at 4:50pm.

The next meeting is schedule for November 8 at 3:00pm in Room 482.

Minutes prepared by Professor Ralph C. Anzivino